

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Nos. 1:16-cv-00356 RB/SCY
2:02-cr-01104 RB**

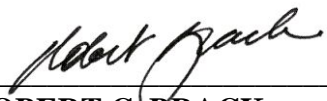
RICHARD VALENCIANO,

Defendant.

ORDER

THIS MATTER came before the Court on Defendant's Motion to Vacate, Set Aside or Correct Sentence under 28 U.S.C. § 2255. Therein, Defendant asserts that the Supreme Court's invalidation of the residual clause of the Armed Career Criminal Act of 1984, 18 U.S.C. § 924(e)(2)(B) (ACCA) renders his sentence in excess of the statutory maximum. *See Johnson v. United States*, 135 S. Ct. 2551 (2015). Defendant requests that he be resentenced to a time-served sentence. On June 2, 2016, the Government filed a response stating that it does not oppose the motion. The Court will grant the motion as unopposed and set a resentencing hearing as the calendar of the Court permits.

IT IS SO ORDERED.



ROBERT C. BRACK
UNITED STATES DISTRICT JUDGE